

O.A.No.96/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 21/01/2021.**

**C.A.No.81/2019:-**

Heard Shri S.A.Marathe, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. three weeks as a last chance to file reply.**

**Vice Chairman**

**Date:-21/01/2021.**  
aps.

O.A.No.537/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 21/01/2021.**

Heard Shri S.A.Marathe, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. At the request of Id. counsel for the applicant, **S.O. three weeks to file reply.**

**Vice Chairman**

**Date:-21/01/2021.**  
aps.

O.A.No.307/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 21/01/2021.**

Heard Ms. Niharika holding for Shri R.Joshi, the Id. Counsel for the applicant, Shri A.P.Potnis, the Id. P.O. for the respondents and Shri R.V.Shiralkar, going to file vakalatnama on behalf of the respondent no. 4.

2. At the request of Id. P.O., **S.O. four weeks to file reply.**

**Vice Chairman**

**Date:-21/01/2021.**  
aps.

O.A.No.893/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 21/01/2021.**

Heard Shri S.A.Marathe holding for Shri S.M.Marathe, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. At the request of Id. P.O., **S.O. three weeks.**

3. *Interim relief granted in order dated 17.12.2020 be continued till filing of the reply.*

**Vice Chairman**

**Date:-21/01/2021.**

aps.

O.A.Nos.906&907/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 21/01/2021.**

Heard Shri B.Kulkarni, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

2. At the request of Id. C.P.O., **S.O. 18.02.2021.**

**Vice Chairman**

**Date:-21/01/2021.**  
aps.

O.A.Nos.909&910/2020 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 21/01/2021.**

Heard Shri S.M.Khan, the Id. Counsel for the applicant and Shri S.A.Deo, the Id. C.P.O. for the respondents.

2. The Id. C.P.O. seeks three time to file reply. Respondents are directed that if any order will pass, the order will be subject to the final decision of the original application.

3. **S.O. four weeks.**

**Vice Chairman**

**Date:-21/01/2021.**  
aps.

O.A.No.978/2019 (D.B.)

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 21/01/2021.**

**C.A.Nos.367/2020 & 19/2021:-**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents. None for the respondent no. 5.

2. Both the counsels gave consent for hearing. However, Id. P.O. pointed out that since it will take some time. So some time should be granted before hearing. It should be heard on 29.01.2021 for final hearing. **S.O. 29.01.2021.**

**Vice Chairman**

**Date:-21/01/2021.**  
aps.

**O.A.Nos.971&972/2020 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 21/01/2021.**

Heard Ms. Monika holding for Smt. G.Venkatraman, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

2. Issue notice to Respondents, returnable on six weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.



7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

8. **S.O. six weeks.**

**Vice Chairman**

**Date:-21/01/2021.**

aps.

**C.P.No.14/2020inO.A.No.58/2019 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 21/01/2021.**

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. In order dated 19.10.2020, it has been clearly observed that while deciding the original application, respondents were directed to promote the applicant from the date from which date Shri S.B.Kulkarni was promoted. Applicant has been promoted vide order dated 27.12.2019 and in para no. 3 of the Judgment of MAT has been referred. However, applicant has not been promoted from the date of Shri S.B.Kulkarni. The minor issue involved is that when applicant was considered for the year 2015-2016, why whole order was not implemented, as directed by this Tribunal.

3. The Id. P.O. seeks four weeks time to get the clarification. Respondents are directed to clarify that what is the problem in not promoting the applicant from the date of same D.P.C. in which Shri S.B.Kulkarni was promoted.

4. **S.O. 28.01.2021.**

**Vice Chairman**

**Date:-21/01/2021.**  
aps.

**C.P.No.40/2019inO.A.No.590/2017 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 21/01/2021.**

Heard Shri A.R.Ingole, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The Id. P.O. submits that since there is excess man power. So there is an advertisement for filing extra people. Hence, the contempt petition does not survive. Since, applicant wants to take some instructions, **S.O. two weeks.**

**Vice Chairman**

**Date:-21/01/2021.**  
aps.

**C.P.No.48/2019inO.A.No.586/2018 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 21/01/2021.**

Heard Shri S.A.Marathe, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the respondents.

2. The Id. P.O. has filed letter dated 16.12.2020 by Director, Medical Education and Research, Mumbai by which applicant has been promoted at Sr. No. 1. It means, the order of this Tribunal dated 29.04.2019 is complied. **Hence, C.P. is disposed of.**

3. *The Id. counsel for the applicant is at liberty to file separate O.A. for deemed date of promotion.*

**Vice Chairman**

**Date:-21/01/2021.**  
aps.

**O.A.No.55/2021 (D.B.)**

**Coram : Shri Shree Bhagwan, Vice Chairman**  
**Dated : 21/01/2021.**

Heard Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.P.Potnis, the Id. P.O. for the State.

2. The Id. counsel for the applicant has placed documents at Annexure-A-1, P.B., Pg. No. 22 were list of Programme Study Centres For Post Basic B.Sc., PSC and RC code (Nursing inspected and approve by I.N.C.) is given. At Sr. No. 1, College of Nursing, Nizam's Institute of Medical Sciences, Hyderabad is mentioned. Applicant's application is at P.B., Pg. No. 41, were she has mentioned about the basic B.Sc. and other certificates from IGNOU, Nursing first year, second year and third year from NIMS College of Nursing, Hyderabad. As per result showing on P.B., Pg. No. 28 (Annexure-A-3) applicant has scored 68.85 marks. However, in his remark column it is written that not illegible because of IGNOU B.Sc. Nursing from Hyderabad. Respondent no. 3 name appeared on P.B., Pg. No. 27 at Sr. No. 62 and her marks was 68.82 in remark column it is written complete form. As documents filed by Id. counsel for the applicant on Annexure-A-1, P.B, Pg. No. 22, The Hyderabad Institute is recognised and approved by INC. It is not understood that how in remark column at Annexure-A-3, P.B., Pg. No. 28 against the applicant's marks in remark column it is written that not eligible because of IGNOU, B.Sc. Nursing from Hyderabad.

3. In view of this situation, it appears that at Annexure-A-6, P.B., Pg. No. 39, were respondent no. 3 appears on Sr. No. 10. This is under challenge by the Id. counsel for the applicant. Since respondent no. 3 obtained 68.82 marks and applicant has obtained 68.85 marks and she was not selected by mentioning that institute was not valid.

4. In view of this situation, *Prima Facie* it appears that there is injustice with the applicant and hence, interim relief demanded by applicant at P.B., Pg. No. 17 is considered and respondents are directed that if respondent no. 3 is joined then it should be subject to outcome of this O.A..

5. The Id. counsel for the applicant directed to file original certificate copy of the applicant on record and supply the same to the Id. P.O..

6. Issue notice to Respondents, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

7. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

8. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

9. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal

(Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

10. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

11. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

12. **S.O. four weeks.**

**Vice Chairman**

**Date:-21/01/2021.**

aps.

O.A. No. 584/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 21.01.2021**

None for the applicant. Shri H.K. Pande, Id. P.O. for R-1 to 3 and Shri N.A. Gaikwad, Id. counsel for R-4.

2. The Id. counsel for R-4 submitted that Shri A.C. Dharmadhikari, Id. counsel for the applicant is not feeling well, therefore, further time may be granted.

3. At the request of learned counsel for R-4, **S.O. four weeks.**

**Member (J)**

dnk.

O.A. No. 427/2020 (SB)



**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 21.01.2021**

**C.A. 366/2020 -**

Heard Shri R.K. Borkar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. For the reasons stated in the application, the C.A. No.366/2020 is allowed. Leave granted to the applicant Smt. Radha wd/o Shamrao Atram to prosecute this application as legal representative of deceased Shamrao S/o Shankarrao Atram. The applicant is permitted to add all other legal representatives of the deceased.

**O.A. 427/2020 -**

**S.O. four weeks.**

**Member (J)**

dnk.

O.A. No. 428/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 21.01.2021**

Heard Shri R.K. Borkar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The learned P.O. files separate reply on behalf of R-3,4, & 5. Same are taken on record. The Id. P.O. submitted that it is sufficient to decided the O.A., therefore, the O.A. is admitted and it be kept for final hearing.

The learned P.O. waives notice for the respondents.

Interim relief to continue till further orders.

**S.O. four weeks.**

**Member (J)**

dnk.

O.A. No. 429/2020 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 21.01.2021**

Heard Shri R.K. Borkar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The learned P.O. files separate reply on behalf of R-3 &4. Same are taken on record. The Id. P.O. submitted that it is sufficient to decided the O.A., therefore, the O.A. is admitted and it be kept for final hearing.

The learned P.O. waives notice for the respondents.

Interim relief to continue till further orders.

**S.O. four weeks.**

**Member (J)**

dnk.

O.A. No. 430/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 21.01.2021**

Heard Shri R.K. Borkar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

The learned P.O. files separate reply on behalf of R-3 &5. Same are taken on record. The Id. P.O. submitted that it is sufficient to decided the O.A., therefore, the O.A. is admitted and it be kept for final hearing.

The learned P.O. waives notice for the respondents.

Interim relief to continue till further orders.

**S.O. four weeks.**

**Member (J)**

dnk.

O.A. Nos. 484 & 486 of 2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,**

**Member (J).**

**Dated : 21.01.2021**

Shri D.M. Kakani, Id. counsel for the applicants and Shri H.K. Pande, Id. P.O. for the respondents.

2. The learned counsel for the applicants submitted that all the respondents are served.

3. The learned P.O. submitted that he has received the parawise comments and he will file reply within one week.

4. At the request of Id. P.O., **S.O. one week** for filing reply.

**Member (J)**

dnk.

O.A. No. 506/2020 (SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 21.01.2021**

**C.A. 365/2020 -**

Heard Shri R.V. Shiralkar, Id. counsel for the applicant, Shri S.A. Sainis, Id. p.O. for R-1&2 and Shri S.C. Deshmukh, Id. counsel for R-3.

2. The C.A.No.365/2020 for leave to amend the O.A. is allowed. On oral request of the applicant, leave granted to add Principal Secretary, GAD (M.S.) as respondent no.4 in the O.A.

3. The applicant is directed to supply amended copy of the O.A. to the respondents. The respondents will be at liberty to file reply.

4. By the proposed amendment, the applicant is challenging ultra virus of the Government G.R., therefore, the matter be kept before D.B.

**O.A. No. 506/2020 –**

Heard Shri R.V. Shiralkar, Id. counsel for the applicant, Shri S.A. Sainis, Id. p.O. for R-1&2 and Shri S.C. Deshmukh, Id. counsel for R-3.

2. After addition of respondent no.4, issue notice to the newly added respondent no.4 returnable **in four weeks**. Hamdast allowed.

3. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

4. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

5. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

6. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

7. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

Put up before the D.B.

**S.O. four weeks.**

**Member (J)**

Dnk

O.A. No. 528/2020 **(SB)**

**Coram** : Hon. Shri A.D. Karanjkar,  
Member (J).

**Dated** : **21.01.2021**

Shri N.R. Saboo, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

At the request of Id. P.O., **S.O. two weeks** for filing reply.

**Member (J)**

dnk.

O.A. No. 564/2020 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 21.01.2021**

Shri P.V. Thakre, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.



The learned counsel for the applicant submitted that all the respondents are served.

At the request of Id. P.O., **S.O. two weeks** for filing reply as a last chance.

**Member (J)**

dnk.

O.A. No. 918/2019 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 21.01.2021**

Shri N.D. Thombre, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The Id. P.O. files reply on behalf of R-4. It is taken on record. Copy is served on the applicant.

3. **S.O. three weeks** for filing reply on behalf of other respondents as a last chance.

**Member (J)**

dnk.

O.A. No. 41/2020 **(SB)**

**( S.T. Bhadke Vs. State of Mah. & Ors. )**

**Coram : Hon. Shri A.D. Karanjkar,**

**Member (J).**

**Dated : 21.01.2021**

Heard Shri A.P. Chaware, Id. counsel for the applicant and Shri A.M. Khadatkar, Id. P.O. for the respondents.

2. The learned counsel for the applicant submitted that the A.G. has directed to recover the amount Rs.2,16,760/- from the amount of gratuity. It is submitted that the applicant is entitled for gratuity amount Rs.8,41,800/- and the respondents have not paid this entire amount. In this background, the respondents are directed to release the remaining amount of gratuity after deducting Rs.2,16,760/-. The fate of that amount will be decided at the final disposal of this O.A.

3. The Id. P.O. files reply on behalf of R-2. It is taken on record. Copy is served on the applicant. The learned P.O. submitted that it is sufficient to decide the O.A., therefore, the O.A. is admitted and it be kept for final hearing.

4. The Id. P.O. waives notices for the respondents.

**S.O. four weeks.**

Steno copy be supplied..

**Member (J)**

dnk.

O.A. No. 241/2020 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 21.01.2021**

None for the applicant. Shri A.M. Khadatkar, Id. P.O. for R-1. Await service of R-2&3.

Notices of respondent nos.2&3 are not collected.

**S.O. four weeks.**

**Member (J)**

dnk.

O.A. No. 214/2020 **(SB)**

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 21.01.2021**

Heard the applicant in person and Shri H.K. Pande, Id. P.O. for the respondents.

2. The respondents are directed to clarify under which provision of law, they are not

allowing the applicant to resume duty. On failure of the respondents to clarify within one week, the matter would be finally heard.

**S.O. 28/1/2021.**

**Member (J)**

dnk.

O.A. No. 722/2020 (SB)

**( D.A. Wankhade Vs. State of Mah. & Ors. )**

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 21.01.2021**

Heard Shri S.P. Palshikar, Id. counsel for the applicant and Shri H.K. Pande, Id. P.O. for the respondents.

2. The applicant filed the O.A. to challenge his transfer from Chandur Railway Police Station to Nagpur City. Vide order dated 2/11/2020, this Bench stayed that order till filing of reply by the respondents. In the meantime, the modified transfer order was issued and the applicant was transferred in lieu of Nagpur City to Nagpur Rural. The applicant amended the O.A. and also challenged the second order of modification and this Bench directed to stay that order. It is submitted by the applicant that on 5/11/2020 he was relieved from Chandur Railway Police Station.

3. Now it is submission of the applicant that he was not permitted to resume duty at Nagpur or at Chandur Railway Police Station and the respondents have committed contempt by relieving the applicant on 5/11/2020 though the stay order was passed on 2/11/2020. It is submitted that direction be given to the respondents to comply the order dated 26/11/2020. Now situation is that the applicant is already relieved from Chandur Railway Police Station on 5/11/2020, he is not permitted to resume duty at Nagpur and therefore he is facing hardship. In view of this matter, the applicant is seeking interim direction to the respondents to allow the applicant to resume duty at Chandur Railway or Amravati Rural.

4. In this situation, the respondents are directed to give posting to the applicant in Amravati District till disposal of this O.A. The

respondents are also directed to file reply immediately.

**S.O. two weeks.**

Steno copy be granted..

**Member (J)**

dnk.

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O.A. No. 923/2017 (SB)

**Coram : Hon. Shri A.D. Karanjkar,  
Member (J).**

**Dated : 21.01.2021**

It seems that in relation to the OPD papers filed by the respondents, it is necessary to hear the parties, therefore, the matter be fixed for hearing after two weeks.

**Member (J)**

dnk.



**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :21/01/ 2021.**

**C.A.No.49/2019:-**

Heard Shri P.V.Thakre, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant has filed C.A. No. 49/2019 for condonation of delay. The delay is of six years and seven months which is very serious issue. However, in the interest of justice and parity, the delay is condoned and matter will be heard on merit.

3. Issue notice to Respondents, returnable on four weeks. Learned P.O. waives notice for R-1. Hamdast allowed.

4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

9. **S.O. four weeks.**

**Vice Chairman**

**Date:-21/01/2021.**

aps.

O.A.No.122/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :21/01/ 2021.**

Heard Shri N.D.Thombre, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 29.01.2021 to file reply as a last chance.**

**Vice Chairman**

**Date:-21/01/2021.**  
aps.

**O.A.No.156/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :21/01/ 2021.**

Heard Shri K.N.Dadhe, the Id. Counsel for the applicant, Shri S.A.Deo, the Id. C.P.O. for the respondents and Shri B.N.Jaipurkar, the Id. counsel for the respondent nos. 4 & 5.

2. At the request of Id. C.P.O., **S.O. four weeks.**

**Vice Chairman**

**Date:-21/01/2021.**  
aps.

O.A.No.855/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :21/01/ 2021.**

Heard Shri S.N.Gaikwad, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the State. Await service of respondent nos. 2 & 3.

2. At the request of Id. counsel for the applicant, **S.O. two weeks to file service affidavit.**

**Vice Chairman**

**Date:-21/01/2021.**  
aps.

**O.A.No.875/2020 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :21/01/ 2021.**

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. In order dated 10.12.2020, respondent no. 1 was directed to decide the representation. However, today the Id. counsel for the applicant submits that the representation is yet not decided. Respondents have also not filed their reply. In view of following Judgment of Hon'ble Apex Court and the Government of Maharashtra G.R. dated 09.07.2019, suspension issue of 90 days has been fully covered and issue has been settled by Hon'ble Apex Court Judgment which are below:-

(i) The Apex Court in Civil Appeal No. 1912 of 2015 (arising out of SLP No.31761 of 2013) in the case of Ajay Kumar Chaudhary Vs. Union of India through its Secretary and another in its Judgment dated 16/02/2015 in para no. 14, it has observed that :-

*14 We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which*

*he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.*

(ii) The Hon'ble Apex Court in its Judgment in Civil Appeal No. 8427-8428 of 2018 (Arising out of S.L.P. (Civil) No. 12112-12113 of 2017) in the case of **State of Tamil Nadu Vs. Pramod Kumar IPS and Anr. delivered on 21/08/2018** in its para no. 24 had observed as follows:-

*24. This Court in **Ajay Kumar Choudhary v. Union of India, (2015) 7 SCC 291** has frowned upon the practice of protracted suspension and held that suspension must necessarily be for a short duration. On the basis of the material on record, we are convinced that no useful purpose would be served by continuing the first Respondent under suspension any longer and that his reinstatement would not be a threat to a fair trial. We reiterate the observation of the High Court that the Appellant State has the liberty to appoint the first Respondent in a non sensitive post.*

(iii) The Principal Bench of Maharashtra Administrative Tribunal Mumbai Bench in O.A. No. 35/2018 Judgment delivered on 11/09/2018 has also rejected continuation of suspension beyond 90 days.

(iv) The Government of Maharashtra has issued G.R. dated 09/07/2019 (Annexure-A-4, Pg. No. 34). The Id. Counsel for the applicant has relied on para no. (ii) of the said G.R. on Pg. No. 35.

(v) The Hon'ble High Court of Bombay, Bench at Nagpur in W.P. No. 7506/2018, Judgment delivered on 17.07.2019 (Annexure-A-6, Pg. No. 47), was also on same principle. It has observed in para no. 2 that **facts of this case are squarely covered by Government Resolution G.A.D. dated 09/07/2019.**

(ii) fuyfcr 'kkl dh; l dclh; k T; k idj.kh 3 efgU; kpk dkyko/khr foHkxh; pkcl'kh l q d: u nkskjk i = ctlo.; kr vkysulgh] v'kk idj.kh ek- l okp U; k; ky; kps vlnsk i kgrk] fuyeu l ekf dj.; kf'kok; vU; i; kz jkgr ulgh- R; keqs fuyfcr 'kkl dh; l dclh; foHkxh; pkcl'kph dk; bkg l q d: u nkskjk i = ctlo.; kph dk; bk; h fuyeu ki kl u 90 fno l h; k vkr dklvdj i .lsdsh t kby; kph n{krk [kcjnkjh ?s; kr ; koh-

(VI) The Government of Maharashtra vide its G.R., G.A.D. 'kkl u fu.kz dz 118@idz11@11v] fnukd 09-07-2019 in para nos. 1 (i, ii & iii) following decisions have been taken :-

i) fuyfcr 'kkl fd; l dclh; k T; k idj.kh 3 efgU; k; k dkyko/khr foHkxh; pkcl'kh l q d: u nkskjk i = ctlo.; kr vkys vlg] v'kk idj.kh fuyeu d; ki kl u 3 efgU; kr fuyeu kpk vk<kok ?hnu fuyeu i qspkywBoko; kpsv l Y; kl R; kckcrpk fu.kz l q i "V vlnskkl g 1/2 dkj.k feeld d g 1/2 u {ke i kf/kcl& ; k Lrjkj ?s; kr ; kok-



- ii) fuyfcr 'kkI dh; I ocl@; k T; k i dj.kh 3 efgU; kpk dkyko/khr foHkxh; pk@d'kh I q d: u nks'kjk i = ctlo.; kr vkys ukgh] v'kk i dj.kh ek- I o@p U; k; ky; kpsvksk i kgrk] fuyæu I ektr dj.; kf'kok; vU; i; k; jkgr ukgh- R; ke@S fuyfcr 'kkI dh; I ocl@kcr foHkxh; pk@d'kph dk; b'kgh I q d: u nks'kjk i = ctlo.; kph dk; bk; h fuyæuki kl u 90 fnol @; k vkr dkVclkj i.ks dsh t'kby ; kph n{krk@ [kcjnkjh?ks; kr ; koh-
- iii) QkSt nkjh i dj.kr fo'kskr%ykpypir i dj.kh fuyfcr 'kkI dh; I ocl@j foHkxh; pk@d'kh I q d: u nks'kjk i = ctlo.kckcr vko'; d rls vfHkyS[k ykpypir ifrcdk foHkxkus I @i/kr iz'kkI dh; foHkxkl mi yC/k d: u nks'vko'; d jkfgy-

3. As submitted by Id. counsel for the applicant, the decisions are yet not taken on representation as on today. In view of discussions in above paras suspension order dated 27.11.2020 (Annexure-A-5, P.B., Pg. No. 37) is bad in law and it requires to be revoked. Hence, following order:-

**ORDER**

- 1. Suspension order dated 27.11.2020 (Annexure-A-5, P.B., Pg. No. 37) is revoked from the date of this order.
- 2. Respondents are directed to issue necessary orders along with the suitable posting to the applicant as per above para no. 24.
- 3. With these directions, **O.A. is disposed of with no order as to costs.**

**Vice Chairman**

**Date:-21/01/2021.**  
aps.

Rev.No.13/2020inO.A.No.698/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :21/01/ 2021.**

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the respondent nos. 1 & 2. It is taken on record. Copy is served to the other side.

3. The Id. counsel for the applicant has relied on Judgment of **Hon'ble High Court, Jharkhand in the case of Rajesh Kumar Vs. Steel Authority of India Ltd. delivered on 19.03.2010**. It is marked Exh-X for the purpose of identification. He is mainly relied on para no. 5.2 and para nos. 12 & 13 were in identical situation co-accused were given different punishment and applicant was given different punishment. Hon'ble High Court of Jharkhand has given findings in para nos. 12 and 13 on which the Id. counsel for the applicant has mainly relied.

4. The Id. counsel for the applicant is also relied on the **Judgment of Hon'ble Supreme Court in the case of Man Singh Vs. State of Haryana, (2008) 12 Supreme Court Cases 331 delivered on 01<sup>st</sup> May, 2008**. It is marked Exh-X-1 for the purpose of identification. The Id. counsel for the applicant is mainly relied on para nos. 20, 21 & 22 of the said Judgment.

5. In O.A.No.698/2019 delivered on 09/07/2020 in para no. 5, it is mentioned that total 3067 NOC granted by office of Assistant Director of Town Planning, Nagpur during the period from 01.01.2000 to 12.04.2007 (which include tenure of applicant 02.02.2007 to 14.04.2007). One Committee was set up and committee recommended to regularize most of order and further observed that necessary modification in the order can be done as per MRTP Act.

6. In Original Application, applicant was awarded punishment vide Annexure-A-1, P.B., Pg. No. 42 dated 01.07.2019 and punishment part is on P.B., Pg. No. 50 which are below:-

v- Jherh vpluk e/tpj ikybkj] uxj jpukdj  
¼xV&v@jktif=r½ ; kpsl /; kpsoru] i qhy rhu o"kk; k dkyko/kh kBh  
oru le; Jskhr %orucll : - 15600&39100+xM is : - 5400½  
fnukcl 01-01-2006 jkst h?kr vl yY; k Vli koj [kkyh vk.k.; kr ; kos

c- mDr 03 o"kk; k dkyko/khr R; kuk oruok<h vuKs gskkj  
ukghr vkf.k vl k f'k{kBkk dkyko/kh l ektr >KY; kurj ; k i fj .kkeh R; kR; k  
Hkkoh oruok<h i q<dyY; k tkrhy-

7. The Id. counsel for the applicant was also pointed out order dated 19.05.2017 in O.A. at Annexure-A-14, P.B., Pg. No. 198 were one Shri Vivekkumar Kalidas Gautam was also alleged to have committee some mistake and his punishment order is at P.B., Pg. No. 199 of the O.A. were only sensor has been awarded. The Id. counsel for the applicant has further pointed out punishment of Shri Rajendra Bhaurau Hele who was also with the same charges and in the same inquiry the punishment order is dated 19.05.2017 at P.B., Pg. No. 203, he has also

been awarded the punishment of sensor only. The contention of the Id. counsel for the applicant is that why these people are awarding the punishment of sensor and why applicant is getting the severe punishment?

8. Hence, **Closed for orders.**

**Vice Chairman**

**Date:-21/01/2021.**

aps.

**O.A.No.71/2017 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :21/01/ 2021.**

Heard Shri S.N.Gaikwad holding for Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. next week.**

**Vice Chairman**

**Date:-21/01/2021.**  
aps.

**O.A.No.681/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :21/01/ 2021.**

Heard Shri S.M.Khan, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 28.01.2021.**

**Vice Chairman**

**Date:-21/01/2021.**  
aps.

**O.A.No.778/2019 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :21/01/ 2021.**

Heard Shri C.F.Bhagwani, the Id. Counsel for the applicant and Shri A.M.Khadatkar, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant mainly relied on the Judgment of O.A. Nos. 422, 431, 432, 433, 434, 473/2016. In the interest of justice and parity the applicant case is squarely covers by the same Judgment and applicant is liable to get the relief.

3. Hence, **closed for orders.**

**Vice Chairman**

**Date:-21/01/2021.**  
aps.

**O.A.No.57/2017 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :21/01/ 2021.**

Heard Shri R.A.Haque, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. The Id. P.O. has pointed out the reply of para nos. 9, 12, 13, 14 and 18 should be considered. Hence, **Closed for orders.**

**Vice Chairman**

**Date:-21/01/2021.**  
aps.



O.A.No. 763/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :21/01/ 2021.**

Heard Shri R.A.Haque, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. **Closed for orders.**

**Date:-21/01/2021.**  
aps.

**Vice Chairman**

**O.A.No.85/2018 (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :21/01/ 2021.**

Heard Shri G.N.Khazode, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 28.01.2021.**

**Date:-21/01/2021.**  
aps.

**Vice Chairman**

O.A.No.611/2018 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :21/01/ 2021.**

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 18.02.2021.**

**Vice Chairman**

**Date:-21/01/2021.**  
aps.

O.A.No.113/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman**  
**Dated :21/01/ 2021.**

Heard Shri N.R.Saboo, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. 28.01.2021.**

**Vice Chairman**

**Date:-21/01/2021.**  
aps.

O.A.No.101/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman  
Dated :21/01/ 2021.**

Heard Shri S.N.Gaikwad holding for Shri S.P.Palshikar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. next week.**

**Vice Chairman**

**Date:-21/01/2021.**  
aps.